UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,383	08/03/2000	John A. Ananian	NH1.P01	1189

EXAMINER
CHANNAVAJJALA, SRIRAMA T

7590   11/24/2003

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ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 October 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____

DETAILED ACTION

Response to Amendment

1.   Examiner acknowledges applicant's response filed on 10/14/2003, paper no.12

2.   Claim 4 has been amended, paper no. # 4.

3.   Claims 1-21 are pending in this application.

Drawings

4.   The drawings filed on 8/3/2000 are <u>objected to </u>by the Draftsperson under 37

CFR 1.84 or 1.152. a copy of PTO-948 is enclosed to this office action, paper no. # 8,

formal drawings are required in response to this office action.

Information Disclosure Statement

5.   The information disclosure statement filed on 710/24/2003, paper no. # 13 has

been considered and a copy was enclosed with this office action, paper no. # 14.

6.   The information disclosure statement filed on 7/25/2001, paper no. # 4 has been

considered and a copy was enclosed with this office action, paper no. # 8.

7.   Examiner acknowledges applicants preliminary amendment filed on 12/2/2002,

paper no. # 6

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-10,13,16-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Murdock et al., [hereafter Murdock], US Patent No. 5983010

in view of Nielsen et al., [hereafter Nielsen], EP051368.

9.   As to Claims 1 and 6, Murdock teaches a system which including 'generating an

interactive profile of a building' [see Abstract, col 1, line 9-13], generating interactive

profile of a building corresponds to fig 1, element 80, 'receiving a plan set into an

interactive profile system, the interactive profile system embodied within a computer

program, the plan set comprising an elemental physical description of a building, and

the plan set including a plurality of potentially interrelated building components' [col 1,

line 45-54, col 2, line 27-34, fig 6-7,fig 13], Murdock specifically teaches for example

computer based applications using CAD program for graphically generating building

structure such as detailed in fig 6-7, further Murdock also suggests for example physical

description of a building that corresponds to fig 7, fig 13, physical description of a

building such as interior, structure elements ceilings, main frame walls, and like,

'converting the plan set to a standardized data set, the standardized data set compliant

with an enhanced data protocol' [col 2, line 48-63], standardized data set is integral part

of Murdock's teaching because Murdock not only teaches for example CAD program

that is used for graphically representing building structure, but also specifically suggests

using predefined core and structural information templates, further template

components allows user to assign attributes to individual and groupings of various data

related to building structure [col 2, line 38-63], 'standardized data set into an extracted

data set, to develop and link the plurality of potentially interrelated building components'

[fig 12-13, col 7, line 12-35], Murdock specifically suggest for example various building

components that are part of building structure and they are interrelated to each other as

detailed in fig 12-13, 'compiling an enhanced profile database from the extracted data

set, the enhanced profile database including a plurality of interrelated components' [col

6, line 40-64], 'assigning a unique descriptor tag to each one of the plurality of

interrelated components' [col 6, line 36-39, fig 8], unique descriptor tag corresponds to

tag refers to a discrete surface as detailed in fig 8. It is however, noted that Murdock

does not specifically teach 'receiving a profile query into an application engine, the

application engine included within the interactive profile system, the profile query

received from a user, and the profile query relatable to the enhanced profile database,

'profile response to the profile query'. On the other hand, Nielsen teaches the

limitations 'receiving a profile query into an application engine, the application engine

included within the interactive profile system, the profile query received from a user, and

the profile query relatable to the enhanced profile database, 'profile response to the

profile query' [see Abstract, page 9, line 39-43, fig 3-4], Nielsen is directed to self

teaching advanced search, more specifically using graphical user interface, user can

create and execute his/her own search, therefore, user can compose search query using either form fill out or text editing as suggested, see Abstract.

It would have been obvious one of the ordinary skill in the art at the time of Applicants invention to incorporate the teachings of Nielsen et al. into method of describing building structure information template of Murdock et al. because they are both directed to graphical user interface either adding, or selecting information templates [Murdock: Abstract, fig 13-14; Nielsen: Abstract, fig 2-3], and both systems maintain information in the database. More specifically Murdock teaches collection, generating building structure information, while Nielsen is directed to search for specific information. One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because that would have allowed users of Murdock's method of describing building structure information template to control which relative or specific search query to the search engine satisfies his or her needs as suggested by Nielsen et al., [see Abstract], thus bringing the advantages of user can compose required query either form fill or template fill or text editing.

10.   As to Claims 2 and 7, both Murdock and Nielsen teaches 'parsing the plan set into plurality of cells and plurality of structural elements' [Murdock: fig 8-9; Nielsen: fig 9, element 930], further Murdock teaches 'structural elements together comprising a functionally complete rendering of the building' [fig 6-7].

11.   As to Claims 3,5,8, Murdock teaches a system which including 'converting the
plan set to a standardized CAD compliant format' [col 1, line 17-26, col 8, line 19-22],
Murdock specifically suggests using computer based application or CAD for describing
building structure.

12.   As to Claim 4, Murdock teaches a system which including 'interactive profiling
system for generating an interactive profile of a building' [see Abstract, col 1, line 9-13],
generating interactive profile of a building corresponds to fig 1, element 80, 'a profiling
engine for receiving a plan set from a user and storing the plan set on a database'
[[col 1, line 45-54, col 2, line 27-34, fig 6-7,fig 13], Murdock specifically teaches for
example computer based applications using CAD program for graphically generating
building structure such as detailed in fig 6-7, further Murdock also suggests for example
physical description of a building that corresponds to fig 7, fig 13, physical description of
a building such as interior, structure elements ceilings, main frame walls, and like;

        It is, however, noted that Murdock does not specifically teach 'remotely located
user and web browser', 'an application engine associated with a server', 'database
searchable for an interrelated element having a criteria set that corresponds to the
query from the user; and an electronic interface having the ability to transmit a
communication between the user and the application engine, the communication
including a response to the query by the user', 'profile response to the user via the web
browser', 'profile query is relatable to the enhanced profile database', 'application

engine is configured to formulate a profile response to the profile query, the profile

response including a listing of at least one of the plurality of interrelated elements of the

enhanced profile'.

On the other hand, Nielsen teaches 'remotely located user and web browser'

[see fig 1], Nielsen specifically directed to a network having client server interaction for

example Internet and on the world wide web, 'an application engine associated with a

server' [fig 1], 'database searchable for an interrelated element having a criteria set that

corresponds to the query from the user' [fig 2, page 5, line 54-57, page 6, line 1-2, fig 2-

3, page 9, line 37-43], criteria set that corresponds to the query from the user

corresponds to Nielsen's fig 2-3 ; ' electronic interface having the ability to transmit a

communication between the user and the application engine, the communication

including a response to the query by the user'[fig 1], profile response to the user via the

web browser' [fig 1, page 8, line 46-50], 'profile query is relatable to the enhanced

profile database' [fig 2,page 5,line 54-57, page 6, line 1-2, fig 2-3, page 9, line 37-43],

profile database corresponds to Nielsen's search database detailed in page 9, line 36-

38, 'application engine is configured to formulate a profile response to the profile query,

the profile response including a listing of at least one of the plurality of interrelated

elements of the enhanced profile' [fig 1-3, page 6, line 3-15], profile response including

a listing of interrelated elements corresponds to fig 2-3.

It would have been obvious one of the ordinary skill in the art at the time of

Applicants invention to incorporate the teachings of Nielsen et al. into method of

describing building structure information template of Murdock et al. because they are

both directed to graphical user interface either adding, or selecting information

templates [Murdock: Abstract, fig 13-14; Nielsen: Abstract, fig 2-3], and both systems

maintain information in the database. More specifically Murdock teaches collection,

generating building structure information, while Nielsen is directed to search for specific

information. One of ordinary skill in the art at the time of the invention would have been

motivated to combine the references because that would have allowed users of

Murdock's method of describing building structure information template to control which

relative or specific search query to the search engine satisfies his or her needs as

suggested by Nielsen et al., [see Abstract], thus bringing the advantages of user can

compose required query either form fill or template fill or text editing.

13.   As to Claim 9, Murdock teaches a system which including 'generating an

interactive profile of a building' [see Abstract, col 1, line 9-13], generating interactive

profile of a building corresponds to fig 1, element 80, it is also noted that Murdock

teaches for example computer based applications using CAD program for graphically

generating building structure such as detailed in fig 6-7, [col 1, line 45-54, col 2, line 27-

34, fig 6-7,fig 13], further Murdock also suggests for example physical description of a

building that corresponds to fig 7, fig 13, physical description of a building such as

interior, structure elements ceilings, main frame walls, and like, 'receiving a plan set

including a two-dimensional physical description of a building' [see fig 6-7, especially

fig 7 suggests for example physical dimensions of a building such a left and front,

'developing a three-dimensional physical description of the building components, based

on the two dimensional physical description of the building' [see fig 8-9], Murdock

specifically suggests for example core structural information template consisting an

added dimension "depth" for a front wall of house as detailed in fig 8-9, 'linking the

building components into component grouping, and storing the enhanced profile in an

enhanced profile database' [see fig 8-9, col 5, line 62-67, col 6, line 39], Murdock

specifically suggests linking the building components such as front wall, back wall of

each levels such as detailed in fig 9, it is however noted that Murdock does not

specifically teach 'providing access to the enhanced profile database via a computer

network from a remote location' , receiving a user profile query at the enhanced profile

database requesting information', 'sending a profile response to the user at the remote

location'. On the other hand, Nielsen teaches 'providing access to the enhanced profile

database via a computer network from a remote location' see fig 1, Abstract, page 9,

line 36-43], receiving a user profile query at the enhanced profile database requesting

information' [fig 2-3page 5, line 54-57], 'sending a profile response to the user at the

remote location' [fig 1].

It would have been obvious one of the ordinary skill in the art at the time of

Applicants invention to incorporate the teachings of Nielsen et al. into method of

describing building structure information template of Murdock et al. because they are

both directed to graphical user interface either adding, or selecting information

templates [Murdock: Abstract, fig 13-14; Nielsen: Abstract, fig 2-3], and both systems

maintain information in the database. More specifically Murdock teaches collection,

generating building structure information, while Nielsen is directed to search for specific

information. One of ordinary skill in the art at the time of the invention would have been

motivated to combine the references because that would have allowed users of

Murdock's method of describing building structure information template to control which

relative or specific search query to the search engine satisfies his or her needs as

suggested by Nielsen et al., [see Abstract], thus bringing the advantages of user can

compose required query either form fill or template fill or text editing.

14.   As to Claim 10, the limitations of this claim have been noted in the rejection of

claim 9 above. In addition, Murdock disclosed 'information on various items that related

to describing the structure of a building such as door, windows, and like [see col 5, line

15-30], therefore, other elements such as cabinets, counter-tops, trim length, ...use

boxes are integral part of any building structure.

15.   Claims 16-21 is substantially the same as Claim 10 and is thus rejected for

reasons similar to those in rejecting Claim 10.

16.   Claims 11-12,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Murdock et al., [hereafter Murdock], US Patent No. 5983010, Nielsen et al.,

[hereafter Nielsen], EP051368, further in view of Elliott, US Patent No. 6446053

17.   As to Claims 11-12,14-15, Murdock suggests 'cost estimation' [col 8, line 20-23],

however, both Murdock and Nielsen do not specifically teach group consisting of

merchant catalog, material databases, builder databases, unit price for building'.

On the other hand, Elliott teaches a system which including merchant catalog, material

databases, builder databases, unit price for building' [see Abstract, fig 3,6, col 2,

line 10-17, col 4, line 20-25, col 6, line 57-63].

It would have been obvious one of the ordinary skill in the art at the time of

Applicants invention to incorporate the teachings of Elliott into method of describing a

building structure of Murdock et al. and self-teaching advanced search specification of

Nielsen et al. because they are directed to user interface in which user selects,

generates required information [see Elliott: Abstract, Murdock: Abstract; Nielsen:

Abstract]. One of ordinary skill in the art at the time of the invention would have been

motivated to combine the references because that would have allowed users of

Murdock et al. and Nielsen et al to incorporate the teaching of computer implemented

method for producing a proposal for a construction project to control not only user have

ability to select required material from suppliers updated catalog database directly, but

also control the cost of construction project as suggested by Ellott [col 2, line, 25-63]

thus improving the quality and reliability of the system.

Response to Arguments

18.   Applicant's arguments filed 10/14/2003, Claims 1-21 have been fully considered

but they are not persuasive, for examiners response see discussion below:

At page 11, page 14, Claim 1, applicant argues obviousness because (1) there is

no suggestion or motivation......

At page 15, claims 6-8, applicant argues claim 6 includes elements (f-h) which

are similar to elements (f-h) in claim1......

In response to applicant's arguments that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine,* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Murdock et al., is

firstly, directed to method of describing a building structure, more specifically describing

structure of a building that including core structural information template and like [see

Abstract], secondly, Murdock specifically directed to collection of various structural

information through user interface [see fig 9], thirdly, Murdock teaches selection of

either defaulted dimension values or locating additional structural information template

for describing building structure [see10,col 6, line 40-65]. On the other hand, firstly,

Nielsen is directed to self-teaching advanced search, more specifically searching

database for specific information and displaying, secondly, Nielsen specifically directed

to user interface or graphical user interface in which user enters the required query

[page 7, line 8-13], thirdly, Nielsen also teaches world wide web that permits users to

search variety of information, in this case building structure information, further it is

noted that by Nielsen also teaches hypertext markup language that controls and

appearance and behavior of document or web document [page 4, line 25-26].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of

applicant's invention to incorporate the teachings of Nielsen into describing a building

structure of Murdock because that would have allowed users of Murdock to create

building structure documents in HTML form, also incorporating various other features

such as pull down menu, buttons, hints button as detailed in fig 2 to improve the search

quality of web documents.

At page 14, applicants argument Claim 1, "examiner's impermissible hindsight

reconstruction ....

In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971).

At page 14, Claim 4-5, Murdock and Nielson are improperly combined.........

As to the above argument, examiner argues reasons above discussed

As to the arguments for Claim 9-21, examiner reincorporated the above

discussion. Further it is noted that Nielson specifically teaches searching database to

get required information [see Nielson: fig 2-3], therefore, one of the ordinary skill in the

art would have been motivated to incorporate the teachings of Nielson into querying

various building components contained in the enhanced database, hence improving the

potential benefits of computer processing efforts to collect and process other building

items and locations information [see Murdock: col 2, line 57-63]

Conclusion

The prior art made of record

    a.   US Patent No.   5983010

    b.   EP051368

    c.   US Patent No.   6446053

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure

    d.   US Patent No.   5950206

    e.   US Patent No.   6381594

    f.   US Patent No.   5587914

    g.   US Patent No.   2002/0083076A1

    h.   US Patent No.   5732264

    i.   US Patent No.   5818428

    j.   US Patent No.   5625827

    k.   Grier CI Lin et al., development of international

collaborative CAD/CAM, Proc.Joint Australia-Korea workshop on manufacturing

technology November 20-21, 1995, pp 155-168

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Srirama Channavajjala whose telephone number is

(703) 308-8538. The examiner can normally be reached on Monday-Friday from

8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is

(703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone

numbers for the organization where the application or proceeding is assigned are as

follows:

703/746-7238   **(After Final Communication)**

703/872-9306   **(Offical Communications)**

703/746-7240   **(For Status inquiries, draft communication)**

Any inquiry of general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-9600.

sc
Patent Examiner.
November 20, 2003.